



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Haynes, Joel R.
 Wonderling, Ramani S.
 Stinchcomb, Dan T.

Serial No.: 09/830,221

Filed: April 23, 2001

Atty. File No.: DE-3-C2-PUS

For: "CATIONIC LIPID-MEDIATED
 ENHANCEMENT OF NUCLEIC ACID
 IMMUNIZATION OF CATS"

) Group Art Unit:
)
) Examiner:
)
) ASSOCIATE
) POWER OF ATTORNEY
)

)
) CERTIFICATE OF MAILING
)
) I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST
) CLASS MAIL, ADDRESSED TO BOX SEQUENCE, COMMISSIONER FOR
) PATENTS, WASHINGTON, DC 20231, ON THIS 11th DAY OF
) MARCH 2002.
)
) HESKA CORPORATION
)
) By: 
) Lafeey Keefe

BOX SEQUENCE
 Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

The undersigned, appointed principal agent in the above-identified patent application, hereby appoints Richard J. Stern, Ph.D., Registration 50,668, of HESKA CORPORATION, 1613 Prospect Parkway, Fort Collins, Colorado 80525; telephone number (970) 493-7272, as associate agent in said application, to prosecute this application and to transact business in the U.S. Patent and Trademark Office connected with this application.

Please address all communications as shown below:

Heska Corporation
 Intellectual Property Dept.
 1613 Prospect Parkway
 Fort Collins, CO 80525

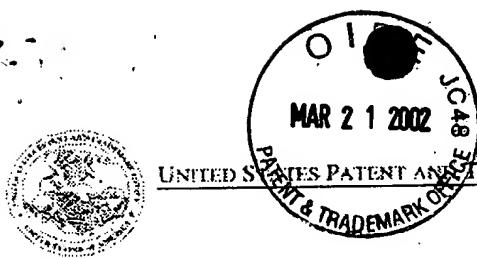
Respectfully submitted,


Dated: March 5, 2002

Theresa A. Brown, Esq.
 Registration No. 32,547
 Heska Corporation
 1613 Prospect Parkway
 Fort Collins, Colorado 80525
 Telephone: (970) 493-7272
 Facsimile: (970) 491-9976

COPY

DE-3-C2-PUS



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 9-12
 United States Patent and Trademark Office
 Washington, D.C. 20231
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| | | |
|---|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/830,221 | Joel R. Haynes | HKZ-034CPUS |
| Correct Address! | | |
| PTO Customer No. 26949 Heska Corporation Intellectual Property Dept. 1613 Prospect Parkway Fort Collins, CO 80525 | | |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/US99/24769 | | |
| IA. FILING DATE | PRIORITY DATE | |
| 10/22/1999 | 10/23/1998 | |
| CONFIRMATION NO. 3163 | | |
| 371 FORMALITIES LETTER | | |
| *OC000000007283055* | | |

Date Mailed: 01/09/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Small Entity Statement

| |
|--|
| RECEIVED LAHIVE & COCKFIELD DOCKET DEPT. |
| JAN 14 2002 |
| RETRIEVED: _____ |
| FORWARDED: _____ |

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

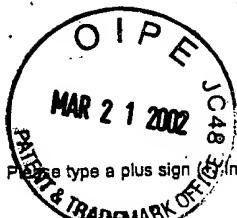
*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/830,221 | PCT/US99/24769 | HKZ-034CPUS |



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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|------------------------------|
| | | Application Number | 09/830,221 |
| | | Filing Date | 23 April 2001 |
| | | First Named Inventor | Joel R. Haynes, et al. |
| | | Group Art Unit | |
| | | Examiner Name | |
| Total Number of Pages in This Submission | 14 | Attorney Docket Number | DE-3-C2-PUS (HKZ-034CPUS) |

ENCLOSURES (check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers (copy) (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | Carol Talkington Verser, Ph.D., Registration No. 37,459 Heska Corporation |
| Signature | <i>Carol Talkington Verser</i> |
| Date | September 18, 2001 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: *Sep. 18, 2001*

| | | | |
|-----------------------|------------------------|------|------------------|
| Typed or printed name | Susan A. Gordon | | |
| Signature | <i>Susan A. Gordon</i> | Date | September , 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

| | |
|------------------------|---------------------------|
| Application Number | 09/830,221 |
| Filing Date | 23 April 2001 |
| First Named Inventor | Joel R. Haynes, et al. |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | DE-3-C2-PUS (HKZ-034CPUS) |

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney or Authorization of Agent is submitted herewith.

OR

Please change the correspondence address for the above-identified application to:

Customer Number →

OR



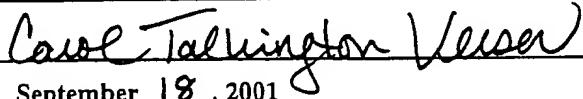
| | | | |
|--|-------------------------|-----|--|
| <input type="checkbox"/> Firm or Individual Name | 26949 | | |
| Address | PATENT TRADEMARK OFFICE | | |
| Address | | | |
| City | | | |
| Country | State | ZIP | |
| Telephone | Fax | | |

I am the:

Applicant/Inventor

Assignee of record of the entire interest. See 37 CFR 3.71
Certificate under 37CFR 3.73(b) is enclosed (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|--|
| Name | Carol Talkington Verser, Ph.D., Registration No. 37,459 |
| Signature |  |
| Date | September 18, 2001 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

STATEMENT UNDER 37 CFR 3.73(b)

COPY

Applicant: HESKA CORPORATION

Application No.: 09/830,221

Filed: 23 April 2001

Entitled: CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATS

HESKA CORPORATION

, a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at ~~Reelxxxxxxxxxx Frame xxxxxxxx~~ for which a copy thereof is attached.
On August 6, 2001,

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
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3. From: _____ To: _____
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Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

September 18, 2001

Date

Robert B. Grieve
Signature

Robert B. Grieve

Typed or printed name

Chairman and
Chief Executive Officer

Title

POWER OF ATTORNEY

COPY

On behalf of HESKA CORPORATION, a Delaware corporation, having a principal place of business at 1613 Prospect Parkway, Fort Collins, Colorado 80525, being the assignee of and owning all right, title and interest in the invention entitled "CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATS," for which an application for Letters Patent of the United States has been made by Joel R. Haynes, Ramani S. Wonderling and Dan T. Stinchcomb, said application being identified as Attorney File No. DE-3-C2-PUS (HKZ-034CPUS) and filed on April 23, 2001, receiving Serial No. 09/830,221, I, Robert B. Grieve, as Chairman and Chief Executive Officer of Heska Corporation, hereby appoint Carol Talkington Verser, Registration No. 37,459; Timothy L. McCutcheon, Registration No. 41,184; and Theresa A. Brown, Registration No. 32,547; of Heska Corporation, 1613 Prospect Parkway, Fort Collins, Colorado 80525, telephone number (970) 493-7272, as attorneys and agents for HESKA CORPORATION with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

Dated: September 18, 2001

By: Robert B. Grieve
Name: Robert B. Grieve
Title: Chairman and Chief Executive Officer